

ESTTA Tracking number: **ESTTA154683**Filing date: **08/03/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Mortgage Guaranteed Investments, LLC
Granted to Date of previous extension	08/04/2007
Address	3246 Marjan Drive Atlanta, GA 30340 UNITED STATES
Party who filed Extension of time to oppose	Streetsmarts Properties, LLC
Relationship to party who filed Extension of time to oppose	Mortgage Guaranteed Investments, LLC is the company's official name, Streetsmarts Properties is a trade name.

Correspondence information	Michael J. Mehrman Attorney for Opposer MEHRMAN LAW OFFICE, P.C. 5605 Glenridge Drive Suite 795 Atlanta, GA 30342 UNITED STATES mike@mehrmanlaw.com Phone:404-497-7400
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Applicant Information

Application No	78853377	Publication date	06/05/2007
Opposition Filing Date	08/03/2007	Opposition Period Ends	08/04/2007
Applicant	The Trustees of the Trust Associates, a Georgia Trust, comprising Louis Brown, a United States citizen 4426-B Hugh Howell Road, Suite 200 Tucker, GA 30084 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 2005/09/30 First Use In Commerce: 2005/09/30

All goods and services in the class are opposed, namely: Real estate listing service, namely, providing listings of renovated residential and commercial real estate properties, and residential and commercial real estate properties in need of renovation, namely, listings of properties for sale with new financing, and/or listings of properties for sale with owner financing; and/or listings of properties available for rent; and/or listings of properties available for lease with an option to buy; real estate residential and commercial buyers service, namely, matching residential home requirements and commercial property requirements of potential buyers to residential and commercial properties available for sale, for rent and for lease with option to purchase for personal and investment purposes

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.		Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

Attachments	4S22_78853377 Notice of Opposition.pdf (3 pages)(20870 bytes)
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Signature	/Michael J. Mehrman/
Name	Michael J. Mehrman
Date	08/03/2007

TRADEMARK TRIAL AND APPEAL BOARD

Mortgage Guaranteed Investments, LLC)	Serial No. 78/853,377
)	
Opposer,)	Opposition No. _____
v.)	
)	Mark: STREET SMART
The Trustees of the Trust Associates,)	
a Georgia Trust, comprising)	
Louis Brown, a United States citizen)	
DBA Trust Associates Trust)	
)	Published: June 5, 2007
Applicant.)	

NOTICE OF OPPOSITION

Assistant Commissioner for Trademarks
 BOX - TTAB FEE
 Washington, D.C. 20231

Sir:

Opposer, Mortgage Guaranteed Investments, LLC, a corporation organized and existing under the laws of the State of Georgia and having a principal place of business at 3246 Marjan Drive, Georgia 30092, believes that it will be damaged by the registration of the mark **SMART STREET**, filed April 4, 2006 as an intent to use application by Applicant, The Trustees of the Trust Associates, a Georgia Trust, comprising Louis Brown, a United States citizen DBA Trust Associates, having a place of business at 4426-B Hugh Howell Road, Suite 200, Tucker, Georgia 30084, for use in connection with real estate listing service, namely providing listings of renovated residential and commercial real estate properties, and residential and commercial real estate properties in need of renovation, namely listings of properties for sale with new financing, and/or listings of properties for sale with owner financing; and/or listings of properties available for rent; and/or listings of properties available for lease with an option to buy; real estate repair estimator service, namely providing information on repairs and improvements needed on residential homes and commercial properties available for sale, for rent, and for lease with option to purchase; real estate residential and commercial buyers service, namely matching

residential home requirements and commercial property requirements of potential buyers to residential and commercial properties available for sale, for rent and for lease with option to purchase for personal and investment purposes. in International Class 36.

The grounds for opposition are as follows:

1. On information and belief, neither Applicant nor anyone on behalf of Applicant has used the mark STREET SMART in connection with the above-identified services anytime prior to September 29, 2005.

2. Applicant's registration application states false date of first use for the services stated in the application.

4. Opposer and/or prior owners of the trademark STREET SMART PROPERTIES, from whom Opposer obtained all rights to the trademark together with the goodwill of the businesses symbolized by the mark, first used the trademark STREET SMART PROPERTIES in commerce in connection with real estate and land development services prior to September 29, 2005.

5. Applicant's mark so nearly resembles Opposer's trademark, and the services for which Applicant uses the mark so nearly resembles the services for which Opposer uses its trademark, as to be likely to cause confusion, mistake, or deception in the trade and among consumers, resulting in damage to Opposer.

6. Due to the similarity of Applicant's mark and associated services and Opposer's trademark and associated services, consumers and the trade are likely to believe, and would be justified in believing, that Applicant's services originate from Opposer or are in some way associated with or sponsored by Opposer.

7. Registration of Applicant's mark as shown in the opposed application will result in damage to Opposer under the provisions of Section 2(d) of the U.S. Trademark Act, 15 USC § 1052(d).

The requisite filing fee of \$300 is submitted concurrently with this Notice of Opposition. Please call Mike Mehrman at (404) 497-7400 with any questions or remarks concerning this matter.

Respectfully submitted,

/Michael J. Mehrman/

Michael J. Mehrman

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